

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

HENRY ESPEJO,

*Plaintiff,*

v.

SANTANDER CONSUMER USA, INC., an  
Illinois corporation,

*Defendant.*

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FAYE LEVINS, individually and on behalf of  
all others similarly situated,

*Plaintiff,*

v.

SANTANDER CONSUMER USA, INC., an  
Illinois corporation,

*Defendant.*

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Case No.: 1:11-cv-08987

Honorable Charles P. Kocoras

Magistrate Judge Sidney I. Schenkier

Case No.: 1:12-cv-09431

Honorable Charles P. Kocoras

Magistrate Judge Sidney I. Schenkier

**PLAINTIFFS' UNOPPOSED MOTION FOR  
LEAVE TO FILE DOCUMENTS UNDER SEAL**

Pursuant to Local Rule 26.2(c), Plaintiffs Faye Levins and Henry Espejo (collectively "Plaintiffs") hereby respectfully move the Court, without opposition from Defendant Santander Consumer USA Inc. ("Defendant"), for an Order granting them leave to file certain documents under seal, either in whole or in part, in conjunction with their Response in Opposition to Defendant's Motion for Summary Judgment. In support of the instant motion, Plaintiffs state as follows:

1. In order to adequately support their Memorandum of Law in Opposition to

Defendant's Motion for Summary Judgment (the "Memorandum"), Plaintiffs will refer to, quote, and attach, certain documents designated "Confidential" pursuant to the Stipulated Protective Order entered in this case on October 22, 2014. (*Espejo* Dkt. 106.)

2. These documents have been marked "Confidential" pursuant to the Protective Order because they contain non-public, business sensitive, or proprietary information, or because they contain Plaintiffs' personally identifiable information, specifically, their telephone or account numbers. (*See Espejo* Dkt. 106 ¶ 10.) This Court has previously found that such documents should be kept under seal. (*See, e.g., Espejo* Dkts. 110, 112; *Levins* Dkts. 183, 184.)

3. In particular, the following exhibits containing confidential information are included in Plaintiffs' Appendix of Additional Summary Judgment Exhibits, and cited in the Memorandum, their Response to Defendant's Statement of Material Facts, and their Statement of Additional Material Facts:

- **Exhibit 2** – Excerpts from the Deposition of Wayne Nightengale (taken Oct. 22, 2014);
- **Exhibit 4** – Excerpts from the Deposition of Maria Espejo (taken Dec. 3, 2014);
- **Exhibit 5** – Excerpts from the Deposition of Henry Espejo (taken Dec. 3, 2014);
- **Exhibit 6** – Santander TCPA Compliance Manual, SCUSA/E 11030–34 (dated Jan. 2014);
- **Exhibit 8** – Notice of Deposition of Mark Nerios (dated July 3, 2015).

4. A portion of Exhibit 2 contains contains non-public, business-sensitive, or proprietary information and information Defendant is otherwise obligated to keep confidential, including a discussion of certain internal processes used by Santander relating to its dialing system. Accordingly, Plaintiff seeks to file this document partially under seal, with pages 93–94 redacted.

5. Exhibits 4, 5, and 8 contain confidential personal identifying information, including Plaintiff Levins' Santander account number and Plaintiffs' telephone numbers. Courts within the Seventh Circuit have found this that type of personal identifying information should be sealed. *See, e.g., Johnson v. Napolitano*, No. 11 C 677, 2013 WL 1337174, at \*5 (N.D. Ill. Mar. 29, 2013) (ordering document containing "personal identification information of plaintiff and her spouse" to be filed under seal); *Entm't USA, Inc. v. Moorehead Commc'ns, Inc.*, No. 1:12-CV-116, 2015 WL 3617126, at \*2 (N.D. Ind. June 9, 2015) (finding good cause to seal documents containing "personal identifying information."). Accordingly, Plaintiffs seek to file these documents partially under seal, with any personally identifying information redacted.

6. Exhibit 6 is a confidential document that sets out Defendant's internal policies and procedures for TCPA compliance. The Parties agree that this document contains non-public, business-sensitive, or proprietary information and information Defendant is otherwise obligated to keep confidential. Accordingly, Plaintiff seeks to file this document entirely under seal.

7. Because Plaintiffs' Memorandum, Response to Defendant's Statement of Material Facts, and Statement of Material Additional Facts discuss—in limited detail—the contents of Exhibits 2, 4, 5, 6, and 8, Plaintiffs also seek to file those documents partially under seal.

8. Pursuant to the Court's Local Rules, Plaintiffs will promptly submit to the Court in chambers, in a sealed envelope—bearing the caption of the case, case number, the title of the motion to which the submitted confidential information pertains, and the name and telephone number of counsel submitting the documents—unredacted copies of Exhibits 2, 4, 5, 6, and 8, the Memorandum, their Response to Defendant's Statement of Material Facts, and their Statement of Additional Material Facts.

9. Prior to filing the instant motion, the Parties conferred (through counsel)

regarding the relief requested herein, and Plaintiffs are authorized to state that Defendant has no opposition to the same.

10. **WHEREFORE**, Plaintiffs Faye Levins and Henry Espejo respectfully request that the Court enter an Order (i) granting them leave to file copies of Exhibits 2, 4, 5, and 8 partially under seal, (ii) granting them leave to file Exhibit 6 entirely under seal, (iii) granting them leave to file the Memorandum, their Response to Defendant's Statement of Material Facts, and their Statement of Additional Material Facts partially under seal, and (iv) providing such other and further relief as the Court deems reasonable and just.

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Respectfully submitted,

**FAYE LEVINS**, individually and on behalf of all others similarly situated, and **HENRY ESPEJO**,

Dated: June 13, 2016

By: s/ Benjamin H. Richman  
One of Plaintiffs' Attorneys

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 13, 2016, I served the above and foregoing by causing a true and accurate copy of such paper to be filed and served on all counsel of record via the Court's CM/ECF electronic filing system.

s/ Benjamin H. Richman